

FILED JUNE 17, 2009

09CV3805

JUDGE ASPEN

MAGISTRATE MASON

UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Jun 17, 2009

FILED
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ATTEST

By Tanisha Spinner on Jun 17, 2009

FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATIONUNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATIONIN RE: AIR CRASH OVER MAKASSAR STRAIT,
SULAWESI, INDONESIA, ON JANUARY 1, 2007

MDL No. 2037

TRANSFER ORDER

Before the entire Panel^{*}: Common defendant The Boeing Co. (Boeing) moves, pursuant to 28 U.S.C. § 1407, for coordinated or consolidated pretrial proceedings of the three actions listed on Schedule A in the Northern District of California. The defendant's motion encompasses two actions in the Northern District of Illinois and one action in the Northern District of California.

Another common defendant, Honeywell International, Inc., supports the motion. Plaintiffs in the two Northern District of Illinois actions support centralization of their actions, but suggest the Northern District of Illinois as the transferee district.

After considering the argument of counsel, we find that these three actions involve common questions of fact, and that centralization under Section 1407 in the Northern District of Illinois will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. All actions concern the cause or causes of the crash of a Boeing model 737-200 aircraft that disappeared from radar while flying from Surabaya on the island of East Java, Indonesia, to Manado on the island of Sulawesi, Indonesia. On January 10, 2007, nine days after the aircraft disappeared, its wreckage was located on the high seas off the coast of Sulawesi. Centralization under Section 1407 will eliminate duplicative discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel and the judiciary.

Either of the two suggested transferee districts, the Northern District of California or the Northern District of Illinois, would be an appropriate transferee forum for this litigation. At least one action is pending in each district, and no action is well progressed. Considerations of convenience and accessibility are comparable between the two metropolitan districts. On balance, we are persuaded that the Northern District of Illinois is preferable. Centralization in this district permits the Panel to effect the Section 1407 assignment to an experienced transferee judge who has not recently received such an assignment and who can steer this litigation on an expeditious course.

A TRUE COPY-ATTEST
MICHAEL W. DOBBINS, CLERK

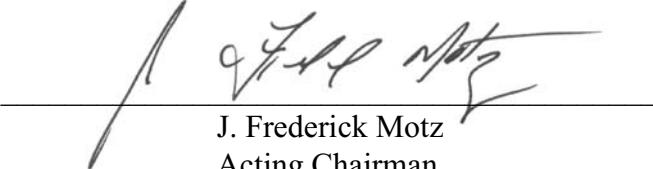
* Judge Heyburn took no part in this matter.

By s/ WILLIE A. HAYNES
DEPUTY CLERK
U.S. DISTRICT COURT, NORTHERN
DISTRICT OF ILLINOIS

DATE: JUNE 24, 2009

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the action listed on Schedule A and pending outside the Northern District of Illinois is transferred to the Northern District of Illinois and, with the consent of that court, assigned to the Honorable Marvin E. Aspen for coordinated or consolidated pretrial proceedings with the actions listed on Schedule A and pending in that district.

PANEL ON MULTIDISTRICT LITIGATION


J. Frederick Motz
Acting Chairman

John G. Heyburn II, Chairman*
Kathryn H. Vratil
W. Royal Furgeson, Jr.

Robert L. Miller, Jr.
David R. Hansen
Frank C. Damrell, Jr.

**IN RE: AIR CRASH OVER MAKASSAR STRAIT
SULAWESI, INDONESIA, ON JANUARY 1, 2007**

MDL No. 2037

SCHEDULE A

Northern District of California

Jimmy Lendo, et al. v. World Star Aviation, Ltd., et al., C.A. No. 3:09-359 09cv3815

Northern District of Illinois

Sumini, et al. v. The Boeing Co., et al., C.A. No. 1:09-549

Frans Errain Wuisan, et al. v. The Boeing Co., et al., C.A. No. 1:09-556

**Judicial Panel on Multidistrict Litigation - Panel Service List
for
MDL 2037 - IN RE: Air Crash Over Makassar Strait, Sulawesi, Indonesia, on January 1,**

***** Report Key and Title Page *****

Please Note: This report is in alphabetical order by the last name of the attorney. A party may not be represented by more than one attorney. See Panel rule 5.2(c).

Party Representation Key

- * Signifies that an appearance was made on behalf of the party by the representing attorney.
- # Specified party was dismissed in some, but not all, of the actions in which it was named as a party.
- All counsel and parties no longer active in this litigation have been suppressed.

This Report is Based on the Following Data Filters

Docket: 2037 - Air Crash Over Makassar Strait, Sulawesi, Indonesia - 1/1/07
For Open Cases

Docket: 2037 - IN RE: Air Crash Over Makassar Strait, Sulawesi, Indonesia, on January 1, 2007

Status: Transferred on 06/17/2009

Transferee District: ILN Judge: Aspen, Marvin E.

Printed on 06/17/2009

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